

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

**Clingman & Hanger Management
Associates, LLC
Plaintiff,**

vs.

**Kay Rieck, et al.
Defendants**

§ **CIVIL ACTION NO.**
§ **4:21-cv-02698**
§
§
§
§ **JUDGE CHARLES ESKRIDGE III**
§
§

**DEFENDANT HORD’S FIRST SUPPLEMENT TO INCLUDE COMPLETE
EXHIBIT A FOR IT’S MOTION TO COMPEL PLAINTIFF CLINGMAN &
HANGER MANAGEMENT ASSOCIATES, LLC PARTIAL SETTLEMENT
AGREEMENT WITH DEFENDANTS THEODOR VAN STEPHOUDT, DAVID
HRYCK, AND REED SMITH LLP**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, Defendant, Thomas E. Hord (hereinafter referred to as “Hord”), files this Defendant Hord’s First Supplement to Include Complete Exhibit A for it’s Motion to Compel Reed Smith Settlement Agreement, (hereinafter referred to as “the settlement agreement”) against Plaintiff Clingman & Hanger Associates, LLC (hereinafter referred to as “Plaintiff”) and in support thereof would respectfully show as follows:

INTRODUCTION

Defendant filed the *Defendant Hord’s Motion to Compel Plaintiff Clingman & Hanger Management Associates, LLC Partial Settlement Agreement with Defendants Theodor Van Stephoudt, David Hryck, and Reed Smith LLP*, (“Motion to Compel” herein), on June 28, 2024. Defendant’s Motion to Compel is incorporated by reference herein.

Exhibit A, in Defendant's Motion to Compel is Defendants First Request for Production to Plaintiff. In this supplement Defendant Hord attaches the remainder of **Exhibit A**, which includes Plaintiff's Responses and Objections to the corresponding Production Requests, previously filed as [Docket 278-1].

PRAYER

WHEREFORE, PREMISES CONSIDERED, Defendant, Thomas E. Hord, prays this Court Order Plaintiff and Co-Defendants turn over the Partial Settlement Agreement to Defendant Hord within 48 hours of this Order and that Defendant be granted all further relief to which he is entitled.

Respectfully submitted,

HILL & HILL, P.C., LAW FIRM

By: /s/ J. Marcus Hill

J. Marcus "Marc" Hill

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ATTORNEY FOR THOMAS E. HORD

CERTIFICATE OF CONFERENCE

I hereby certify that prior to filing the above Thomas E. Hord's lead counsel conferred with opposing counsels in an effort to resolve the disputed issues without seeking relief from the Court as follows.

- On or about August 21, 2023, Defendant Hord requested said Settlement Agreement via letter to Plaintiff's counsel and Counsel for Reed Smith and received no response.
- On or about September 1, 2023, Defendant Hord again requested the information contained in the Settlement Agreement. Again, no response.
- On or about September 15, 2023, Defendant Hord served his Requests for Production numbered 19-23 on Plaintiff on Clingman & Hanger Management Associates, LLC requesting certain settlement information and documents including the settlement agreement.
- On or about October 23, 2023, Plaintiff Clingman & Hanger served its Responses and Objections on Defendant Hord.
- From October 23, 2023 until April of 2024, several exchanges took place with Plaintiff's counsel and counsel for Reed Smith with no solution in sight.
- On or about April 15, 2024, Defendant Hord conferenced with Plaintiff's counsel regarding the confidentiality clause. At this time Defendant expressed its reluctant need to file a motion to compel.
- On or about May 15, 2024, Defendant Hord sent yet another letter to counsel requesting the same Settlement Agreement.
- On or about May 17, 2024, Defendant Hord followed up on the latest request of May 15th.
- On or around June 10, 2024, Defendant Hord corresponded with counsel for Plaintiff to see if there was any last option to resolve this matter.
- No agreement could be made and regrettably Judicial intervention is necessary.

/ s/ J. Marcus "Marc" Hill

J. Marcus Hill

CERTIFICATE OF COMPLIANCE

Under the Court Procedures for Hon. Charles R. Eskridge III, paragraph 18(c), I certify that this Motion contains 155 words, except the excluded case caption, signature block, and certificates. It was prepared in Microsoft Word using 13-point typeface. In making this certificate of compliance, I am relying on the word count provided by the software used to prepare the document.

/s/ J. Marcus "Marc" Hill
J. Marcus Hill

CERTIFICATE OF SERVICE

I certify that I served a true copy of this instrument and supporting evidence on all parties of record, through their lead counsel below, via e-service through efile.txcourts.gov on July 1, 2024.

/s/ J. Marcus Hill
J. Marcus Hill

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